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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. **'08 MJ 0807**
v.	)	COMPLAINT FOR VIOLATION OF:
Carmelo BARRIGA-Solorio,	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **March 12, 2008,** within the Southern District of California, defendant, **Carmelo BARRIGA-Solorio,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF MARCH 2008.

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Carmelo BARRIGA-Solorio

PROBABLE CAUSE STATEMENT

On March 12, 2008, Border Patrol Agents B. Watrous and R. Butler along with the Field Training Unit (FTU), were assigned to line watch duties in the Campo, California area of operations. At approximately 9:00 a.m., the Agents responded to a group of suspected illegal aliens near an area known as the BIA 10 Road. This area is located approximately 20 miles east of the Tecate, California Port of Entry and approximately three miles north of the United States/Mexico International Boundary.

Border Patrol Agent C. Horal had passed on information regarding a group of suspected illegal aliens he had been following. Agent Watrous, Agent Butler, and Agent Mears, along with the FTU, began to follow the footprints of the group of suspected illegal aliens in a northerly direction. After following the footprints for approximately thirty minutes, Agents Watrous, Butler, Mears and the FTU Agents, encountered twelve suspected illegal aliens lying in brush. The Agents identified themselves as United States Border Patrol Agents and questioned all twelve, including on later identified as the defendant **Carmelo BARRIGA-Solorio**, as to their citizenship. All twelve, admitted that they were citizens and nationals of Mexico without any documents that would allow them to enter or remain in the United States legally. At approximately 9:45 a.m., all twelve, were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **January 30, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.